

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

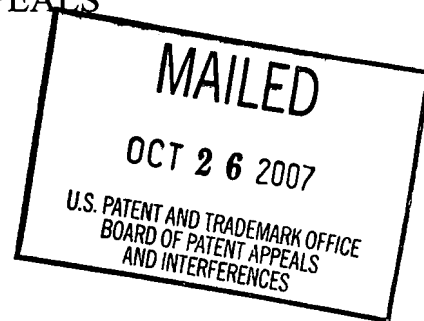
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Ex parte VLADIMIR MARIN  
AND ABBAS RAZAVI

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Application No. 10/751,243

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on October 3, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On January 30, 2007, appellant filed an Appeal Brief. page 3, under the heading "Grounds of Rejection to be Reviewed on Appeal" the appellants stated:

1. The rejection of claims 10 and 12 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,668,230 (Schertl).

In response, an Examiner's Answer was mailed on April 30, 2007.

While the Answer notes that "[t]he appellant's statement of the grounds of rejection to be reviewed on appeal is correct." However, on page 3, under the heading "GROUND OF REJECTION" states:

claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by **Kaufmann et al.** (US 5,770,752).

A review of the file reveals that the Appeal brief filed on January 30, 2007 stated claim 12 as rejected under 35 U.S.C. 102(b) as being anticipated by Schertl (U.S. Patent No. 5,668,230). The examiner's answer filed on April 30, 2007 rejected claim 12 under 102(b) as being anticipated by Kaufmann et al. (US 5,770,752). Clarification of the anticipation of claim 12 is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

- 1) for a determination regarding the anticipation of claim 12, and, if necessary, to vacate the examiner's answer mailed January 30, 2007, and issued a revise examiner's answer; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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